



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/066,144

01/31/2002

Michael W. Wallace

3301-11

3557

20575

7590

08/19/2011

MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2172

NOTIFICATION DATE

DELIVERY MODE

08/19/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@techlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL W. WALLACE, TROY STEVEN ACOTT,
LARRY ALAN WESTERMAN and CARL JOHNSON

Appeal 2009-013125
Application 10/066,144
Technology Center 2100

Before ERIC S. FRAHM, KRISTEN L. DROESCH and
MICHAEL R. ZECHER, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek review under 35 U.S.C. § 134(a) of a final rejection of claims 1-23. We have jurisdiction under 35 U.S.C. § 6(b). We REVERSE.

BACKGROUND

Appellants' invention is related to a video display system. Spec. p. 3, ll. 7-9; p. 3, l. 25-p. 4, l. 4.

Claim 1 is illustrative and reproduced below:

In connection with a video display system capable of displaying a sequence of video segments, a method for displaying a plurality of control objects associated with said video segments on a display screen comprising the steps of:

displaying a first control object associated with the displayed first video segment, on the display screen in a focus position simultaneous with the display of a first video segment on the display screen;

displaying a second control object, associated with a second video segment, adjacent to the focus position; and

moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.

The Examiner relies on the following prior art:

Francis C. Li et al., *Browsing Digital Video*, Proc. SIGCHI Conference on Human Factors in Computing Systems (CHI '00), 169-176 (2000) ("Li").

Claims 1-23 are rejected under 35 U.S.C. § 102(a) as anticipated by

Li.

ISSUE

Did the Examiner err in finding that Li describes moving a second control object to a focus position and a first control object out of the focus position?

ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' arguments (Appeal Brief and Reply Brief). We are persuaded by Appellants' argument that Li describes moving the focus position (i.e., highlight) between the first and second control objects (i.e., shot boundaries) and does not describe moving the second control object to a focus position, and the first control object out of the focus position as required by claim 1. App. Br. 7-9, Reply Br. 4-5. In other words, while Li describes transitioning between first and second video shots by moving a highlight from the first shot boundary frame to the second shot boundary frame (*see* Li Fig. 1), Li does not describe moving the second shot boundary frame to the highlight and the first shot boundary frame from the highlight.

Accordingly, we do not sustain the Examiner's rejection of claims 1-23 as anticipated by Li. Although Li does not anticipate the claims, we leave it to the Examiner to evaluate whether the claimed invention would have been rendered obvious by Li. It is often the case that design incentives and market forces can prompt variations of the prior art. "If a person of ordinary skill in the art can implement a predictable variation, § 103 likely bars its patentability." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007).

Appeal 2009-013125
Application 10/066,144

DECISION

We REVERSE the rejection of claims 1-23 under 35 U.S.C. § 102(a)
as anticipated by Li.

REVERSED

msc